

In re Patent Application of:

FLICK

Serial No. 10/649,267

Filing Date: AUGUST 27, 2003

#### REMARKS

The Examiner is thanked for the thorough examination of the present application. In view of the arguments presented in detail below, it is submitted that all of the claims are patentable.

#### I. The Claimed Invention

The present invention is directed to a pre-warn vehicle security device for a vehicle including a data communications bus, an alert indicator, and an alarm controller interfacing with the data communications bus and causing the alert indicator to generate an alarm indication responsive to a high security threat level. As recited in independent Claim 1, for example, the pre-warn vehicle security device includes a housing and a multi-stage sensor carried by the housing. The multi-stage sensor is for sensing the high security threat level and communicating the sensed high security threat level to the alarm controller via the data communications bus, and for sensing a low security threat level lower than the high security threat level. The pre-warn vehicle security device further includes a pre-warn indicator carried by the housing and connected to the multi-stage sensor for generating a pre-warn indication responsive to the sensed low security threat level.

Independent Claims 10, 17, and 26 are directed to a related pre-warn security device, and independent Claim 32 is directed to a related method. Each of the claims recites a pre-

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warn vehicle security device for connection to a vehicle data communications bus that includes a housing, similar to Claim 1.

**II. The Rejection Under 35 U.S.C. § 103(a) Is Improper**

The Examiner rejected independent Claims 1, 17, 26, and 32 based upon U.S. Patent No. 5,216,407 to Hwang ("Hwang '407") in view of U.S. Patent No. 5,245,694 to Zwern ("Zwern"), and Claim 10 is rejected based upon Hwang in view of Zwern and U.S. Patent No. 5,084,697 also to Hwang (Hwang '697").

Hwang '407 is directed to a pre-alarm warning system for use with a vehicle anti-theft alarm. A signal from a displacement/vibration detector 200 is picked up by a one-shot timer circuit 102, which causes a main control alarm circuit 103 to drive a siren circuit 105 to generate a short chirp sound as an audible pre-warning, and drive a flashing circuit 106 to flash a vehicle light for a preset period of time as a visible pre-warning. If a repeated number of activation signals are received, or the signal continues for a predetermined period of time, the main control alarm circuit 103 causes full audio and visual alarm indications (i.e., from a siren and the vehicle lights, respectively) to be generated. See, e.g., FIGS. 1 and 2 and col. 1, line 60 through col. 2, line 57 of Hwang '407.

The Examiner contends that Hwang '407 teaches a multi-stage sensor and pre-warn indicator as recited in the above-noted independent claims, although he correctly acknowledges that this reference fails to teach or fairly suggest these components carried by a housing. Nonetheless, the Examiner contends that

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Zwern provides this noted deficiency. Zwern is directed to a user-programmable voice notification device for a vehicle security system which, in FIG. 2, is illustrated in a device housing.

It is respectfully submitted that the Examiner mischaracterizes the teachings of Hwang '407, and thus the prior art when taken as a whole fails to teach all of the elements recited in the above-noted independent claims. More particularly, Hwang '407 fails to teach a multi-stage sensor that communicates a sensed high security threat level to an alarm controller via a vehicle data communications bus.

In particular, Hwang '407 teaches that the displacement/vibration detector 200 is provided with a yellow LED 210 as an indicator for sensitivity adjustment of the detector, and the LED provides the input to the one-shot timer 102. See FIG. 2 and col. 2, lines 45-57 of Hwang '407. Moreover, the one-shot timer 102 is connected directly to an input port b of the main alarm circuit 103. See FIG. 1 and col. 1, lines 60-65 of Hwang '407. Thus, the detector 200 has no communications with the main alarm circuit 103 whatsoever over a vehicle data communications bus. The term "bus" is not used in the Hwang '407 patent at all. As such, the proposed combination of references taken as a whole fails to teach all of the recitations of the above-noted independent claims, and this rejection should therefore be withdrawn for this reason alone.

Nonetheless, the selective combination of references is also improper because one of ordinary skill in the art would have

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been taught away from making such a combination. That is, Hwang '407 teaches that the pre-warning indicators are a siren, a vehicle light, and a vehicle dome light. Although Hwang '407 does not elaborate on the type or location of the siren noted therein, systems such as those described in this patent typically use a relatively large, high output magnetic or piezoelectric siren that is located under the hood of the vehicle. By "vehicle light" Hwang '407 presumably refers to the vehicle's headlight, break light, and/or parking light, which are positioned at the front and rear ends of the vehicle. Moreover, a vehicle dome light is positioned on the ceiling within the passenger compartment of the vehicle.

Many of the above-noted components would appear to be larger than the housing illustrated in FIG. 2 of Zwern in and of themselves. Moreover, these components are positioned at very specific locations throughout the vehicle. Not only are these locations spaced relatively far apart from one another, these locations cannot be haphazardly changed (the dome light should not be moved to the rear end of the car, just as the headlights should not be located within the passenger compartment, for example). Accordingly, for these reasons it would have been impractical to attempt to position such indicator components in a housing as taught by Zwern. Thus, one of ordinary skill in the art would have been taught away from attempting to do so.

Accordingly, it is submitted that independent Claims 1, 10, 17, 26, and 32 are patentable over the prior art. Their respective dependent claims, which recite yet further

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distinguishing features, are also patentable over the prior art and require no further discussion herein.

**III. The Obviousness-Type Double Patenting Rejection Is Improper**

The Examiner in paragraph 4 (page 4) of the Office Action rejected dependent Claims 7, 23, and 38 for obviousness-type double patenting based upon the claims of U.S. Patent Nos. 6,275,147, 6,011,460, 5,719,551, 6,696,927, 6,249,216 and 6,243,004 to Flick (the "Flick patents") in view of Hwang '407 and Zwern. Moreover, the Examiner also rejects Claim 14 for obviousness-type double patenting based upon the Flick patents in view of Hwang '407, Zwern, and Hwang '697 (see paragraph 6, page 5 of the Office Action).

It is respectfully submitted that the above-noted double patenting rejections are in error. More particularly, since the analysis employed in an obviousness-type double patenting determination parallels the guidelines for a 35 U.S.C. § 103(a) rejection (see MPEP 804 II.B.1), the double-patenting rejections are in error for the reasons discussed in Section II above. That is, there is no proper suggestion or motivation to combine Hwang '407 and Zwern as the Examiner proposes, as these references teach away from the claimed invention. Thus, the double-patenting rejections should similarly be withdrawn.

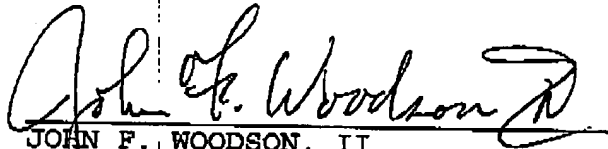
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CONCLUSIONS

In view of the foregoing, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing  
correspondence has been forwarded via facsimile number 571-273-  
8300 to the Commissioner of Patents on this 21 day of  
September, 2005.

*E. J. Ili*

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